



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/828,533 Confirmation No. 6214  
Applicant(s) : Laurence G. Nixon et al.  
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TC/AU : 3617  
Examiner : Lars A. Olson  
Docket No. : 96268  
Customer No. : 24129

STATUS OF CLAIMS AND SUPPORT FOR CLAIM  
CHANGES UNDER 37 CFR 1.173(c)

In the office action of February 08, 2006, the Examiner stated that the preliminary amendment received on April 15, 2005 was not in conformance with 37 CFR 1.173(c). The Examiner further stated that each amendatory change when first submitted, must be accompanied by an explanation of support in the disclosure of the patent for the change on page(s) separate from the page(s) containing the amendment. A basis in the specification must be given for all the limitations added including new claims.

1. **Status of the Claims.** Patent claims 1-20 of U.S. Patent No. 6,681,709, for a Port "Security Barrier System" which issued January 27, 2004 are pending in the Reissue Application No. 10/828,533, filed April 15, 2004. Reissue claims 21-31, filed with Reissue Application No. 10/828,533 are also pending in the Reissue Application.

**2. Explanation of the support in the Disclosure of the Patent for the changes made to the claims.** Reissue Application No.

10/828,533 presented new claims 21-31 which are broadening claims over the claims of U.S. Patent No. 6,681,709. Specifically, claim 21 recites the limitations of paragraphs (a), (b) and (c)(i)-(iv) of claim 1, and removes the limitation of paragraph (c)(v): "an anti-kayak guard positioned below and attached to said longitudinal strength member, said anti-kayak guard preventing small watercraft from slipping under said port security barrier system into said port facility". Thus, claim 1 broadens the scope of claim coverage of Reissue Application No. 10/828,533. Claims 22-31 of the Reissue Application are identical to claims 2-11 of U.S. Patent No. 6,681,709, but depend from reissue claim 21 and therefore are broader in scope than claims 2-11 of U.S. Patent No. 6,681,709.

A basis for each of the limitations of reissue claim 21 may found in the specification and drawings of U.S. Patent No. 6,681,709. Specifically, the limitation of paragraph (a) of reissue claim 21 "a plurality of port security barriers connected to one and another..." finds support in the paragraph beginning at column 1, line 53 and continuing through line 59 where it states that "The port security system comprises a continuous modular floating barrier that is installed in lengths ranging from a few hundred feet to over a mile". Support for this

limitation is also provided at column 2, lines 36-51 and FIGS. 1A and 5 of the drawings. Specifically, FIG. 1A shows multiple barrier modules 14 which form port security barrier system 10 of U.S. Patent No. 6,681,709.

The limitation of paragraph (b) of reissue claim 21 "a plurality of mooring buoys" finds support at column 2, lines 9-14 of U.S. Patent No. 6,681,709 which states that "The port security system also has mooring buoys 16 located along the length of the system...." and at column 2, lines 52-59 of U.S. Patent No. 6,681,709 which provides a detailed explanation of the mooring system for port security barrier 10. FIG. 1A illustrates the mooring buoys 16, mooring lines 18 and anchors 20 for port security barrier 10, which are the elements recited in paragraph (b) of reissue claim 21.

The "longitudinal strength member" limitation of paragraph (c)(i) of reissue claim 21 is shown in FIG. 1, 1A and 2 as longitudinal strength member 32 and is described in specification at column 3, lines 34-43 which states that there is a longitudinal strength member 32 for each module 14.

The "rectangular shaped capture net" limitation of paragraph (c)(ii) of reissue claim 21 is shown in FIGS. 1, 1A and 4 as capture net 24 and is described in the specification beginning at column 2, lines 64-67 and continuing through column 3, lines 1-21 of U.S. Patent No. 6,681,709, which states that each port

security module has a capture net 24.

The "net support structure" limitation of paragraph (c)(iii) of reissue claim 21 is shown in FIG. 6 and is described in the specification beginning at column 2, lines 64-67 and continuing through column 4, lines 6-15 of U.S. Patent No. 6,681,709. The net support structure is identified by the reference numeral 22 throughout the specification and FIG. 5 of the drawings.

The "plurality of pontoons" limitation of paragraph (c)(iv) of reissue claim 21 is shown in FIGS. 1, 2, 3 and 4 and is described in the specification at column 2, lines 35-60 of U.S. Patent No. 6,681,709. The pontoons are assigned the reference numerals 26, 28 and 30 throughout the specification and the drawings. Each module 14 includes three pontoons 26, 28 and 30 with pontoon 26 being longer than pontoons 28 and 30 to provide the buoyancy required for flotation of module 14.

Reissue claim 22 recites the mooring line structure illustrated in FIG. 1A and described in column 2, lines 51-58. Specifically, the specification describes the mooring system as including mooring buoys 16 and their associated mooring lines 18 and mooring anchors 20, which are the elements of the mooring structure recited in claim 22.

Reissue claim 23 recites the braided nylon rope mesh structure of the capture net 24 which is described in detail beginning at column 2, lines 64-67 and continuing through column

3, lines 1-19 of U.S. Patent No. 6,681,709. Specifically the specification describes mesh structure of capture net 24 as having a mesh size of one foot square (column 3, lines 8-9), the horizontal boat stopping members 25 as consisting of 1.125 inch diameter 12 Strand Braided nylon rope and the vertical boat stopping members 27 as consisting of 0.75 inch diameter 12-Plait nylon (column 2, line 67 through column 3, line 1-3).

Reissue claim 24 recites the capture net 24 as having a height of approximately eight feet and a width of approximately fifty two feet. Support for this limitation is found at column 3, lines 10-14 of the specification of U.S. Patent No. 6,681,709, which states that the height of the capture net is eight feet and the length is fifty two feet.

Reissue claim 25 which recites the capture net 24 as being fabricated from nylon to absorb energy from a waterborne craft finds support for this limitation in the specification at column 3, lines 4-6. The speed and weight of the watercraft 12 which engages the capture 24 is disclosed in column 1, lines 19-22 of the specification of U.S. Patent No. 6,681,709, which describes the watercraft 12 as having a weight of 10,000 pounds and traveling at speeds of up to 52 knots.

Reissue claim 26 recites the port security barrier system as comprising first, second, third pontoons, which are the pontoons 26, 28 and 30 illustrated in FIG. 2. As shown in FIG. 2,

pontoons 28 and 30 are positioned at each end of longitudinal strength member 32 and pontoon 26 is positioned at the center of longitudinal strength member 32. Support for the three pontoon limitation of claim 26 is provided in the specification of U.S. Patent No. 6,681,709 in the paragraph at column, lines 34-43 which describes pontoons 28 and 30 as being end pontoons of equal length and pontoon 26 as being centrally located and having a length of 18 feet which is substantially longer than the six foot length of pontoons 26 and 28.

Reissue claim 27 recites the longitudinal strength member 32 as including connector elements 48 and 50 (shown in FIG. 1) which are located at the ends of longitudinal strength member 32. As also recited in claim 27 the connector elements 48 and 50 allow multiple port security barrier modules 14 to be connected in the manner illustrated in FIG. 1A to form port security barrier 10. Support in the specification for the connector elements 48 and 50 limitation may be found at column 5, lines 13-24 of U.S. Patent No. 6,681,709.

Reissue claim 28 recites one of the modules 14 of the port security barrier 10 operating as a gate which a user can open and close. Support for the "gate" limitation of claim 28 may be found at column 3, lines 22-33 of U.S. Patent No. 6,681,709, which discusses small boat gates for use with barrier 10.

Reissue claim 29 recites the net support structure 22 as

including first, second and third net support members 34, 36 and 38 (shown in FIG. 1), and first and second angled support braces 40 and 42. Support in the specification for the net support members and angled support member limitations may be found at column 3, lines 65-69 through column 4, lines 1-15 of U.S. Patent No. 6,681,709, which describes in detail the net support structure of barrier 10.

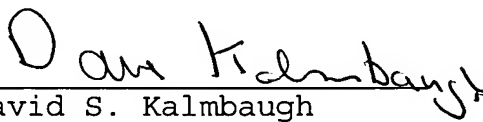
Reissue claim 30 recites a warning light 60 which is mounted on a light support bracket 62 (shown in FIG. 4). Support in the specification for the warning light and light support bracket limitations may be found at column 5, lines 20-30 of U.S. Patent No. 6,681,709, which describes a warning light 60 mounted on a light support bracket 62.

Reissue claim 31 recites the port security barrier 10 as further comprising first, second and third angled support braces which are illustrated in FIGS. 3 and 4 and assigned the reference numeral 37 in FIG. 3 and the reference numeral 43 in FIG. 4. Support in the specification for the first, second and third angled support braces limitation may be found at column 3, lines 65-67 and column 4, lines 1-12 of U.S. Patent No. 6,681,709, which describes the angled support braces 43 which are secured to pontoons 28 and 30 and angled support brace 37 which is secured to pontoon 26.

In view of the foregoing remarks, it is respectfully

submitted that reissue application is in conformance with 37 CFR 1.173(c). The amendatory changes of April 15, 2004, which included the addition of claims 21-31, are now accompanied with an explanation of the support in the disclosure and drawings of U.S. Patent No. 6,681,709 for the changes with the support for the changes being discussed on separate papers from the amendment submitted herewith. As discussed above, a basis in the specification of U.S. Patent No. 6,681,709 is provided for the all of the limitations of reissue claims 21-31 of the above-identified reissue application.

Respectfully submitted,

  
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